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**UNITED STATES DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Search of

2002 Ford Focus ZX3

VIN # 3FAFP31392R171533

California License Plate 4XRE818

**APPLICATION AND AFFIDAVIT  
FOR SEARCH WARRANT**

CASE NUMBER: '07 MJ 2621

I David J. Eaton being duly sworn depose and say:I am a Special Agent of the Federal Bureau of Investigation and have reason to believethat     on the person of or X on the property or premises known as**See Attachment A**

in the Southern District of California, there is now concealed a certain person or property, namely

**See Attachment B**

which is the fruits, instrumentalities and evidence


*concerning violations of Title 18 United States Code, Section 2113(a), 371 and 2**The facts to support a finding of Probable Cause are as follows:**See attached affidavit - continued on the attached sheet and made a part hereof.*

  
Signature of Affiant

*Sworn to before me, and subscribed in my presence*

11/7/07 @ 4:05 pm at San Diego, California  
Date/Time issued

Cathy Ann Bencivengo, United States Magistrate Judge  
Name and Title of Judicial Officer

  
Signature of Judicial Officer

**CATHY ANN BENCIVENGO  
U.S. MAGISTRATE JUDGE**

ATTACHMENT A

Description of Vehicle To Be Searched

The vehicle is a 2002 maroon Ford Focus ZX3 bearing California License Plate 4XRE818, assigned Vehicle Identification Number (VIN) 3FAFP31392R171533.

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## ATTACHMENT B

Any and all evidence related or pertaining to the following bank robberies:

October 2, 2007, Wells Fargo Bank, 8898 Navajo Road, San Diego, California (CA);  
October 3, 2007, Washington Mutual Bank, 348 S. Twin Oaks Valley Road, San Marcos, CA;  
October 4, 2007, Union Bank of California, 1512 Main Street, Ramona, CA;  
October 5, 2007, Citibank, 3777 Avocado Boulevard, La Mesa, CA;  
October 15, 2007, Wells Fargo Bank, 2960 Cleveland Avenue, Santa Rosa, CA;  
October 17, 2007, Wachovia Bank, 1260 Trancas Street, Napa, CA;  
October 25, 2007, Bank of America, 2 Financial Plaza, Napa, CA;  
October 29, 2007, California Bank & Trust, 135 Saxony, Encinitas, CA;  
November 1, 2007, Citizens Business Bank, 800 Glenneyre Street, Laguna Beach, CA;

including, but not limited to the following:

1. Clothing and other items worn during the robberies, as depicted in the bank surveillance photographs or as described by victims/witnesses, to include: distinctive shirts, hats, sunglasses and other items of clothing.
2. Proceeds from the robbery to include: United States currency, currency straps, other items that may contain bank markings, any items evidencing the expenditure of bank robbery proceeds, including recent sales receipt or items purchased since October 2, 2007.
3. Articles of personal property, including but not limited to writings, correspondence, notes, practice or draft demand notes, maps, telephone records, receipts relating to the planning and commission of bank robberies and/or the existence of a conspiracy to commit bank robberies; as well as receipts relating to travel between San Diego County in Southern California and Napa and Sonoma Counties in Northern California, such as gasoline, lodging, meals and other travel expenditures.
4. Articles of personal property relating to the obtaining, secreting, transfer, expenditure and/or concealment of money and assets derived from the commission of the above bank robberies, including books, receipts for any significant purchases, records, bank statements and records, credit card statements and records, business records, money drafts, money order and cashiers check receipts, safes, keys to any safes located on the premises, and records of safety deposit boxes and storage lockers.
5. Evidence of Dominion and Control, to include documents and articles of personal property relating to the identity of persons occupying, possessing, residing in, owning, frequenting or controlling the residence and/or vehicle to be searched or property therein, including utility bills, keys, personal identification documents, vehicle registration documents, proof of insurance, and driver's licenses.

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**AFFIDAVIT**

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO )

**INTRODUCTION**

I, David J. Eaton, being duly sworn, depose and say:

**I. EXPERIENCE AND TRAINING**

1. I am a Special Agent (S/A) with the Federal Bureau of Investigation (FBI) and have been so employed since June, 1988. I am currently assigned to the San Diego Field Office where my primary duties include the investigation of Bank Robberies and other violent crimes. I have investigated bank robberies for approximately 10 years. I have interviewed individuals charged with committing bank robberies and am familiar with the methods commonly used to commit bank robberies.

**II. PURPOSE OF THIS AFFIDAVIT**

2. This Affidavit is made in support of an application for a warrant to search the 2002 Ford Focus ZX3 automobile, California license plate 4XRE818, Vehicle Identification Number 3FAFP31392R171533 (vehicle of Michael Daniel Lilly Martin and Melanie Elizabeth Depalmer) (the "SUBJECT VEHICLE"). The SUBJECT VEHICLE is more fully described in Attachment A, attached hereto and incorporated herein by reference.

3. Based on the facts set forth herein, I believe there is probable cause to believe that Michael Daniel Lilly Martin and Melanie Elizabeth Depalmer ("Martin" and "Depalmer") robbed the Citibank, 3777 Avocado Boulevard, La Mesa, California, on October 5, 2007, as well as several other banks, in violation of 18 U.S.C. §§ 2113(a), 371 and 2.

4. Because this Affidavit is offered for the limited purpose of establishing probable cause for the issuance of a search warrant, it does not contain all the information that the government possesses relative to this investigation.

**III. SCHEDULE OF EVIDENCE TO BE SEIZED**

5. A list of the specific items to be seized from the SUBJECT VEHICLE is attached hereto, and incorporated herein, as Attachments B. Based on my training and experience, as detailed

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1 above, and on information obtained in the course of this investigation, as detailed below, I believe there  
2 is probable cause to believe that the items listed in Attachments B will be found in the SUBJECT  
3 VEHICLE.

4 **IV. SUMMARY OF INVESTIGATION AND PROBABLE**  
5 **CAUSE TO SEARCH THE SUBJECT PREMISES**

6 6. On October 5, 2007, at approximately 11:40 a.m., Special Agents of the San Diego FBI  
7 Field Office responded to the report of a robbery at the Citibank, 3777 Avocado Boulevard, La Mesa,  
8 California.

9 7. During the course of that investigation, the victim teller was interviewed. The affiant has  
10 reviewed the report of the interview of the victim teller, who advised as follows: On October 5, 2007,  
11 the victim teller was working at his teller window when he was approached by a white female, later  
12 identified as Melanie Elizabeth Depalmer. Depalmer placed a demand note on the teller counter. The  
13 victim teller recalled that portions of the demand note read, "No alarms, no transmitters. . . I have a  
14 button I will push." The victim teller realized he was being robbed so he removed U.S. currency from  
15 his teller drawer. Depalmer told the teller to place the money into an envelope. As he did so, a white  
16 male, later identified as Michael Daniel Lilly Martin, approached the teller window and placed his arm  
17 around Depalmer. The victim teller attempted to hand the envelope of money to Depalmer, but Martin  
18 reached out and took the loot from the victim teller. Depalmer and Martin then exited the bank  
19 together and fled in an unknown direction. The victim teller described the robbers as follows:

20 Female Robber

21 Race:	White
22 Sex:	Female
23 Age:	25-26 years old
24 Height:	5'1" - 5'2"
25 Weight:	115 pounds
26 Hair:	Blonde
27 Clothing:	White tank top; jeans; sunglasses

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Male Robber

Race: White  
Sex: Male  
Age: 25-26 years old  
Height: 6'4" - 6'5"  
Weight: 200 pounds  
Clothing: White tank top; black sweat pants; black hat; sunglasses

8. The affiant serves as the Bank Robbery Coordinator for the San Diego FBI Field Office. The duties of the Bank Robbery Coordinator include reviewing all bank robbery cases that occur within the San Diego Division, as well as maintaining contact with Bank Robbery Coordinators from other FBI Field Offices, and Detectives from other state and local law enforcement agencies.. As a result of those duties, the affiant has reason to believe that Martin and Depalmer are responsible for a series of bank robberies in Northern California and Southern California, to include the following bank robberies:

October 2, 2007: Wells Fargo Bank, 8898 Navajo Road, San Diego, California (CA);

October 3, 2007: Washington Mutual Bank, 348 S. Twin Oaks Valley Road, San Marcos, CA;

October 4, 2007: Union Bank of California, 1512 Main Street, Ramona, CA;

October 5, 2007: Citibank, 3777 Avocado Boulevard, La Mesa, CA;

October 15, 2007: Wells Fargo Bank, 2960 Cleveland Avenue, Santa Rosa, CA;

October 17, 2007: Wachovia Bank, 1260 Trancas Street, Napa, CA;

October 25, 2007: Bank of America, 2 Financial Plaza, Napa, CA;

October 29, 2007: California Bank & Trust, 135 Saxony, Encinitas, CA; and

November 1, 2007: Citizens Business Bank, 800 Glenneyre Street, Laguna Beach, CA.

9. On November 2, 2007, at approximately 4:00 p.m., the affiant was advised that Depalmer and Martin had been taken into custody by officers of the La Mesa, California, Police Department. At the time of his arrest, Martin told the arresting officer that his car was parked in the Grossmont Hospital Emergency Room parking structure. Martin described his vehicle to the arresting officer as

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1 a maroon 2002 Ford Focus with the numbers "818" in the license plate. Martin's car keys were  
2 impounded by the arresting officer along with other personal property belonging to Martin.

3 10. On November 2, 2007, the affiant was advised that FBI Special Agents William  
4 McNamara and Michael Lombardi obtained Martin's car keys from the La Mesa Police Department.  
5 Special Agents McNamara and Lombardi located Martin's vehicle, described as a maroon 2002 Ford  
6 Focus ZX3 bearing California License 4XRE818 and Vehicle Identification Number  
7 3FAFP31392R171533, parked in the Grossmont Hospital parking structure. Martin's vehicle was  
8 driven to the FBI Field Office, 9797 Aero Drive, San Diego, California, where it was secured. The  
9 vehicle has not yet been searched.

10 11. On November 2, 2007, at approximately 5:00 p.m., the affiant telephonically spoke with  
11 a Security Supervisor at the Barona Valley Ranch Resort and Casino ("Barona"). The Barona Security  
12 Supervisor confirmed that Michael Martin had checked into Hotel Room 6046 on Thursday, November  
13 1, 2007, that Martin had paid for only one night, and that Martin had telephonically made  
14 arrangements to remove his property from Hotel Room 6046 by 1:00 p.m. on November 2, 2007. The  
15 Security Supervisor advised that Martin had not yet checked out of his hotel room, that Martin had not  
16 removed his property from the hotel room, and that the hotel room was now considered to be  
17 abandoned.

18 12. On November 2, 2007, at approximately 6:15 p.m., the affiant telephonically spoke with  
19 the Barona Security Supervisor who advised that, pursuant to Barona policy, Security Officers had  
20 entered Room 6046 and removed all personal property left in the hotel room. The Security Supervisor  
21 advised that the personal property removed from the hotel room would be secured in the Barona  
22 Security Office for a period of two weeks, after which it would be auctioned off as abandoned property.

23 13. On November 3, 2007, the affiant appeared at the Barona Security Office. The Barona  
24 Security Supervisor allowed the affiant to take custody of the personal property removed from Barona  
25 Hotel Room 6046 on November 2, 2007. That property is described as a red "Spalding" brand duffle  
26 bag containing various personal items; and ten (10) "Ziploc" type storage bags containing various  
27 personal items. The affiant has secured those items at the San Diego FBI Field Office, 9797 Aero  
28 Drive, San Diego, California. The property items have not yet been searched.

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1 14. On November 3, 2007, the affiant reviewed a Wanted Flyer issued by the Napa Police  
2 Department. The Wanted Flyer advised that Martin had been identified through latent fingerprints  
3 developed on a robbery demand note as the individual responsible for the October 15, 2007, robbery  
4 of the Wells Fargo Bank, Santa Rosa, California. The Wanted Flyer also advised that Depalmer had  
5 been identified through latent fingerprints developed on a robbery demand note as the individual  
6 responsible for the October, 17, 2007, robbery of the Wachovia Bank, Napa, California.

7 15. On November 3, 2007, the affiant interviewed Melanie Elizabeth Depalmer who was  
8 currently in custody at the Las Colinas Women's Facility, 9000 Cottonwood, Santee, California.  
9 Depalmer was arrested on November 2, 2007, and was being held in custody based on a warrant issued  
10 in Napa, California. Depalmer was not yet represented by Counsel at the time of the interview.  
11 Depalmer was advised of her Constitutional Miranda rights. Depalmer advised that she understood  
12 her rights. Depalmer voluntarily agreed to waive her rights and answer questions at that time without  
13 an attorney present. Depalmer voluntarily advised as follows: Depalmer has known Michael Daniel  
14 Lilly Martin for approximately the past four years. Depalmer and Martin have been involved in a  
15 romantic relationship during most of the past four years. Depalmer and Martin currently travel together  
16 and stay together at various hotels as they do not have a permanent residence. Depalmer and Martin  
17 have been using methamphetamine on almost a daily basis for approximately the past two years.  
18 Depalmer and Martin last stayed at the Barona Valley Ranch Resort and Casino on Thursday night,  
19 November 1, 2007. In the early morning hours of Friday, November 2, 2007, Depalmer and Martin  
20 drove themselves to Grossmont Hospital in La Mesa, California, as they were both experiencing  
21 medical problems. While at the hospital, Depalmer and Martin were both taken into custody by  
22 officers of the La Mesa Police Department. Depalmer was subsequently transported to the Las Colinas  
23 Women's Facility. Depalmer has since been advised that she is being held in custody based on a felony  
24 robbery warrant issued in the Napa, California, area. Depalmer described the vehicle which she and  
25 Martin drove to the hospital as a maroon Ford Focus which they recently purchased in Napa,  
26 California. Depalmer and Martin have driven several other vehicles in the past several months which  
27 they have since sold or abandoned. Depalmer and Martin left most of their personal belongings in their  
28 hotel room at the Barona Valley Ranch Resort and Casino. Depalmer and Martin also maintain



1 personal belongings in their maroon Ford Focus vehicle. Depalmer voluntarily admitted that during  
2 the past five to six weeks, she and Martin have been involved in a series of bank robberies in San  
3 Diego County, California, and in the Napa, California, area. Depalmer estimated that she and Martin  
4 were responsible for approximately 15 bank robberies during that time frame. Depalmer admitted that  
5 on most occasions, Martin would enter the bank to commit the robbery; on a few occasions, Depalmer  
6 entered the bank to commit the robbery; and on at least one occasion Depalmer and Martin were both  
7 present in the bank during the robbery. Depalmer admitted that she was always with Martin when he  
8 committed a bank robbery, and that she typically waited in the getaway vehicle while Martin  
9 committed the bank robbery. Depalmer was shown bank surveillance photographs from the October  
10 5, 2007, robbery of the Citibank, 3777 Avocado Boulevard, La Mesa, California. Depalmer positively  
11 identified herself and Martin in those photographs. Depalmer advised that Martin asked her to go in  
12 to rob the bank because Martin believed he was "too hot" to go into a bank on that date. Depalmer  
13 understood Martin to mean that he had robbed several banks in the preceeding days and he believed  
14 he might be easily recognized on that date. Depalmer recalled that she was having difficulty seeing  
15 while inside the bank because she was wearing dark sunglasses. Depalmer eventually began looking  
16 over the top of her sunglasses during the robbery. Depalmer commented that she was not wearing what  
17 she wanted to wear during the robbery. She explained that she wished she had been wearing a hat  
18 during the robbery to better conceal her identity. Depalmer recalled that while she was in the process  
19 of committing the robbery, Martin entered the bank and approached the teller window where she was  
20 standing. Martin took the money from the victim teller. Depalmer and Martin then exited the bank  
21 together and fled the area in their getaway vehicle. Martin subsequently told Depalmer that he entered  
22 the bank during the robbery because he had observed the victim teller doing something suspicious  
23 during the robbery. Depalmer advised that after committing several bank robberies in San Diego  
24 County, she and Martin drove to the Napa, California, area to visit Martin's grandfather who was ill.  
25 Depalmer admitted that she and Martin committed at least two bank robberies while in the Napa,  
26 California, area. Depalmer was shown bank surveillance photographs from the October 2, 2007,  
27 robbery of the Wells Fargo Bank, 8898 Navajo Road, San Diego, California; the October 3, 2007,  
28 robbery of the Washington Mutual Bank, 348 South Twin Oaks Valley Road, San Marcos, California;

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1 the October 4, 2007, robbery of the Union Bank of California, 1512 Main Street, Ramona, California;  
2 and the October 29, 2007, robbery of the California Bank and Trust, 135 Saxony Road, Encinitas,  
3 California. Depalmer positively identified Michael Martin as the bank robber in all of those  
4 surveillance photographs. Depalmer advised that the robbery on October 29, 2007, was the last bank  
5 robbery she and Martin committed. It is the opinion of the affiant that Depalmer appears to be identical  
6 to the female individual depicted in the surveillance photographs from the above bank robberies.

7  
8 16. The affiant has reviewed a California DMV photograph of Michael Daniel Lilly Martin,  
9 and has compared that photograph to the bank surveillance photographs from the bank robberies  
10 identified above. It is the opinion of the affiant that Martin appears to be identical to the male  
11 individual depicted in those bank robbery surveillance photographs.

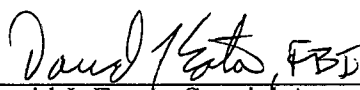
12  
13 17. The affiant has confirmed that at the time of the bank robbery on October 5, 2007, the  
14 deposits of the Citibank, 3777 Avocado Boulevard, La Mesa, California, were insured by the Federal  
15 Deposit Insurance Corporation (FDIC). The Citibank incurred a loss of \$4,273.00 as a result of the  
16 robbery on that date.

17  
18 **V. CONCLUSION**

19 18. Based upon the information contained in this affidavit, I believe there is probable  
20 cause to believe that Martin and Depalmer robbed the Citibank, 3777 Avocado Boulevard, La Mesa,  
21 California, on October 5, 2007, as well as numerous other banks, in violation of Title 18 U.S.C. §§  
22 2113(a), 371 and 2.

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1 19. Based on my training and experience, and on discussions with other law  
2 enforcement agents, I believe that individuals participating in bank robberies maintain the items  
3 described in Attachment B in their vehicles.

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6 David J. Eaton, Special Agent  
Federal Bureau of Investigation

7  
8 SUBSCRIBED AND SWORN TO  
9 BEFORE ME THIS 7<sup>th</sup> DAY  
Of November, 2007

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12 CATHY ANN BENCIVENGO  
13 UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF CALIFORNIA

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